

REMARKS

This Amendment responds to the final Office Action mailed on February 9, 2007 and withdraws the application from the appeal filed on June 14, 2007.

The Examiner rejected claims 1-5, 10, and 13-15 under 35 U.S.C. § 102(b) as being anticipated by Birdwell et al., U.S. Patent No. 6,757,736 (hereinafter Birdwell). The Examiner rejected claims 6-8, 11, 12, 16-20, and 22-24 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Birdwell and Iwamura et al., U.S. Patent No. 6,396,814. The applicant has amended independent claim 1 and added new independent claims 25 and 30. The applicant has previously forwarded each of independent claims 1, 25, and 30 to the Examiner, who after reviewing each of these claims indicated in a telephone interview the opinion that at least claim 1 distinguished over the cited prior art. The applicant further contends that each of claims 25 and 30 also distinguishes over the cited prior art.

Independent claim 25 requires that sequential individual packets together comprising data to be transferred to a plurality of recipients each be either only broadcast or only sent by point-to-point communication. A data packet being broadcast is selectively re-broadcast until all representative recipients acknowledge receipt of that data packet. After the successful broadcast of a data packet to all representative recipients, the claimed method transfers the next data packet by either a broadcast or point-to-point transmission. The method switches the broadcast method for a next sequential packet from broadcast to point-to-point transmission when “a time for the completion of transferring said data by point-to-point communication with said recipients obtains a predetermined relationship to a time for the completion of transferring said data by said broadcasting.”

This method distinguishes over the cited prior art in that the switch from broadcast to point-to-point transmission occurs amidst the transfer of data to every individual one of the plurality of recipients. In other words, for every one of the plurality of recipients, the data being transferred is partially sent (some packets) by broadcast and partially sent (the remaining packets) by point-to-point transmission. The prior art conversely, at best discloses sending to some recipients the data solely by broadcast and to other recipients (who missed the initial broadcast or rebroadcast of all the data) solely by point-to-point transmission.

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Independent claim 30 requires that a first broadcast send all data packets together comprising data to be transferred to a plurality of recipients, but storing information about which packets were not acknowledged as received by a representative recipient. Only those data packets not acknowledged as received by the representative are re-transmitted (either by broadcast or point-to-point transmission) to the plurality of recipients. After each successive broadcast (of a successively smaller number of packets) the method decides whether to switch from a broadcast to a point-to-point transfer. Thus, like claim 25, in the method of claim 30 the data being transferred is partially sent (some packets) to all recipients by broadcast and partially sent to all recipients (the remaining packets) by point-to-point transmission. Thus, also like claim 25 claim 30 distinguishes over the cited prior art.

Dependent claims 2-5, 26-29, and 31-34 depend from a respective one of claims 1, 25, and 30, and are distinguished over the cited prior art for the same reasons as are claims 1, 25, and 30.

In view of the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of claims 1- 5, and 25-34.

Respectfully submitted,



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